

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IT2004/000048

International filing date (day/month/year)
09.02.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC
A61M1/02

Applicant
ANGELANTONI INDUSTRIE SPA

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☒ This opinion has been established on the basis of a translation from the original language into the following language **English**, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-17
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1 The following document is referred to in this communication:

D1 : DE 44 18 005 A (SCHEUER UWE) 23 November 1995 (1995-11-23)

D2: US-A-5 661 978 (BROADFIELD LAIRD P ET AL) 2 September 1997 (1997-09-02)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT. Document D1 discloses (see the references in parenthesis applying to this document):

An apparatus for receiving, preserving and supplying bags of blood, comprising:

- a cabinet,
- a refrigerated space for containing the bags,
- a magazine comprising a plurality of cells, each capable of containing a single bag, the magazine being housed inside the refrigerated space, each of the cells being identified by a cell code,
- at least one door for allowing access by an operator to the cells,
- a movement system housed inside the cabinet and capable of [...] rotating, the cells,
- a cooling system housed inside the cabinet and capable of cooling the refrigerated space,
- a data-processing system housed inside the cabinet, capable of controlling the movement system and the cooling system, and capable of controlling the receiving, preservation and supply of the bags,
- a keyboard and a screen, both connected to the processing system,

2.2 The subject-matter of claim 1 therefore differs from this known apparatus in that:

- the cabinet is suitable for containing all the components of the apparatus, and
- the keyboard and the screen are both placed at the walls of the cabinet.

2.3 The problem to be solved by the present invention may therefore be regarded as providing a self-contained movable apparatus.

2.4 The solution proposed in claim 1 of the present application cannot be considered

as involving an inventive step (Article 33(3) PCT) for the following reasons.
The integration of a control computer and its peripherals in the cabinet of an apparatus is a disposition generally known in the field of medical technology. It is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

2.5 Moreover, the same solution was adopted for the same purpose, for instance in D2 (see figure 1) in an apparatus for receiving, preserving and supplying medical products.

3 DEPENDENT CLAIMS 2-17

Dependent claims 2-17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33 (3) PCT).

See the cited passages of the relevant documents in the international search report.